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Letter dated 18 July 2002 from the Permanent Representative of Algeria to the United Nations addressed to the President of the Security Council

In anticipation of the consultations that the Security Council intends to hold as of next week on the question of Western Sahara, I should like, on behalf of my Government, to recall Algeria's steadfast position on the matter.

1. The question of Western Sahara is first and foremost a question of decolonization arising in the context of General Assembly resolution 1514 (XV), given that the General Assembly has since 1965 called for the decolonization of this territory and for the self-determination of its people through a referendum on self-determination (resolutions 2072 (XX) and 2229 (XXI)).

On 16 October 1975 the International Court of Justice issued an advisory opinion in which it ruled that "the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the territory".

In his opinion issued on 29 January 2002 (S/2002/161), the United Nations Legal Counsel stressed that Morocco was not an administering Power of the territory, that the 1975 Madrid Agreement had not transferred sovereignty over the territory to any of the signatories and that the status of Western Sahara as a Non-Self-Governing Territory had not been affected by that Agreement.

2. On the basis of the foregoing, it appears clear that the territory of Western Sahara is not a Moroccan province that has entered into conflict or is in dissent with the central Government and would be happy to be granted a fairly broad degree of autonomy, but a territory that has been illegally occupied since 1975 and has been included in the United Nations list of Non-Self-Governing Territories, and no legal falsehood or distortion of the facts will change this stubborn fact.

It is for this reason that Algeria has rejected the draft framework agreement proposed by the Kingdom of Morocco, which would offer, under Moroccan sovereignty, a form of pseudo-autonomy "to the residents of the territory".

Algeria will continue to do so, strenuously, because this is a case in which justice must be done on behalf of a people that seeks only to exercise its free and

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sovereign right to self-determination — in other words, to choose between independence and incorporation, as provided for in the referendum on self-determination that the United Nations has been trying to hold since 1991, pursuant to the Settlement Plan agreed by the parties and endorsed by the international community, which remains the most effective way of promoting a just and lasting solution to the conflict in Western Sahara.

3. Algeria, which will continue to give its full support to the efforts of the Secretary-General and his Personal Envoy to find a settlement to the question of Western Sahara in accordance with international law, considers that the Security Council must bear in mind that, under the terms of the Charter and the resolutions of the United Nations, it is the responsibility of the Organization to complete the process of decolonization in this territory, to let the people of Western Sahara choose their destiny freely and to ensure that international law and the principles of justice prevail over the policy of fait accompli and occupation of territory by force.

I should be grateful if you would arrange to have this letter circulated as a document of the Security Council.

(*Signed*) Abdallah **Baali**
Ambassador